

August 26, 2011

Mr. Chris Achtien  
Executive Director  
Indiana University Health Hematology  
& Oncology Clinic  
1346 East County Line Road  
Indianapolis, IN 46227

SUBJECT: NRC INSPECTION REPORT NO. 030-35383/11-001(DNMS) AND  
NOTICE OF VIOLATION – INDIANA UNIVERSITY HEALTH HEMATOLOGY  
& ONCOLOGY CLINIC

Dear Mr. Achtien:

On July 21-22, 2011, with continued in office review through August 8, 2011, the U.S. Nuclear Regulatory Commission (NRC) conducted a routine inspection at your Indianapolis and Fisher, Indiana facilities. The purpose of the inspection was to determine whether activities authorized under your license were conducted safely and in accordance with NRC requirements. The results of our inspection were discussed with Yun Wang, Ph.D. of your organization during a telephonic exit meeting on August 4, 2011.

During this inspection, the NRC staff examined activities conducted under your license as they relate to public health and safety to confirm compliance with the Commission's rules and regulations and with the conditions of your license. Within these areas, the inspection consisted of selected examination of procedures and representative records, observations of activities, and interviews with personnel.

Based on the results of this inspection, the NRC has determined that a Severity Level IV violation of NRC requirements occurred. The violation was evaluated in accordance with the NRC Enforcement Policy. The current Enforcement Policy is included on the NRC's Web site at (<http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>). The violation involved the failure to retain a record of each disposal of decay-in-storage waste in accordance with Title 10 of the Code of Federal Regulations 35.92(b). The violation is cited in the enclosed Notice of Violation (Notice) because it was identified by the NRC.

The NRC has concluded that information regarding the reason for the violation and the corrective actions taken to correct the violation and prevent recurrence are already adequately addressed on the docket in this letter. Specifically, your staff has been retrained on the waste disposal procedure and a disposal log has been developed for their use. Therefore, you are not required to respond to this letter unless the description herein does not accurately reflect your corrective actions or your position. In that case, or if you choose to provide additional information, you should follow the instructions specified in the enclosed Notice.

C. Achtien

-2-

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and your response, if you choose to provide, will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy or proprietary information so that it can be made available to the public without redaction.

We will gladly discuss any questions you have concerning this inspection.

Sincerely,

*/RA/*

Tamara E. Bloomer, Chief  
Materials Inspection Branch  
Division of Nuclear Materials Safety

Docket No. 030-35383  
License No. 13-32241-01

Enclosures:  
Notice of Violation

cc w/encl: State of Indiana

C. Achtien

-2-

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Tamara E. Bloomer, Chief  
Materials Inspection Branch  
Division of Nuclear Materials Safety

Docket No. 030-35383  
License No. 13-32241-01

Enclosures:  
Notice of Violation

cc w/encl: State of Indiana

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## NOTICE OF VIOLATION

Indiana University Health Hematology & Oncology Clinic  
Indianapolis, Indiana

Docket No. 030-35383  
License No. 13-32241-01

During an U.S. Nuclear Regulatory Commission (NRC) inspection conducted on July 21 through August 4, 2011, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

Title 10 of the Code of Federal Regulations (10 CFR) 35.92(a) requires, in part, that, a licensee may hold byproduct material with a physical half-life of less than or equal to 120 days for decay-in-storage before disposal without regard to its radioactivity if it monitors byproduct materials and determines it cannot be distinguished from background and removes or obliterate all radiation labels.

Title 10 CFR 35.92(b) requires that, a licensee retain a record of each disposal permitted under 10 CFR 35.92(a) in accordance with 10 CFR 35.2092.

Contrary to the above, as of July 22, 2011, the licensee did not retain a record of each disposal permitted under 10 CFR 35.92(a) in accordance with 10 CFR 35.2092. Specifically, the licensee failed to retain any records of each disposal of decay-in-storage for waste generated in its mobile positron emission tomography van.

This is a Severity Level IV violation (Section 6.3).

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence, and the date when full compliance was achieved, is already adequately addressed on the docket in the letter transmitting this Notice of Violation (Notice). However, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201 if the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation," and send it to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001 with a copy to the Regional Administrator, Region III within 30 days of the date of the letter transmitting Notice.

If you choose to respond, your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. Therefore, to the extent possible, the response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the public without redaction.

In accordance with 10 CFR 19.11, you may be required to post this Notice within two working days of receipt.

Dated this 26<sup>th</sup> day of August 2011.